IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):   Gerald W. WINSOR   **Confirmation No.:**   7228

Serial No.:   10/763,506   **Examiner:** Joiya M. CLOUD

Filed: January 23, 2004   **Group Art Unit:**   2444

Title: USER PROFILE SERVICE

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
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APPEAL BRIEF - PATENTS

Sir:

     This is an Appeal Brief in connection with the decisions of the Examiner in a Final Office

Action mailed November 24, 2010, and in connection with the Notice of Appeal filed on

February 24, 2011.

     It is respectfully submitted that the present application has been at least twice rejected.

     Each of the topics required in an Appeal Brief and a Table of Contents are presented

herewith and labeled appropriately.

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(1)   Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited

partnership established under the laws of the State of Texas and having a principal place of

business at 11445 Compaq Center Drive West, Houston, TX 77070, U.S.A. (hereinafter

"HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-

Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or

managing partner of HPDC is HPQ Holdings, LLC.

(2)   Related Appeals and Interferences

The Appellant is unaware of any appeals or interferences related to this case.

(3)   Status of Claims

Claims 1-42 are pending and stand rejected.

Pursuant to 37 C.F.R. § 41.37, the Appellant hereby appeals the Examiner's decision

finally rejecting all of the pending claims to the Board of Patent Appeals and Interferences.

Therefore, the rejections of claims 1-42 of this application are appealed.

(4)   Status of Amendments

No amendment was filed subsequent to the Final Office Action dated November 24,

2010.

A copy of the claims at issue on appeal is attached as the Claims Appendix.

(5) **Summary of Claimed Subject Matter**

Claims 1, 24, 25, 32, 33, and 34 are the independent claims in this appeal. It should be understood that the citations below to the original disclosure as providing support for the claimed features are merely exemplary and do not limit the claim features to only those citations.

Claim 1. A service delivery platform (301 in Fig. 3; *Specification*, page 7, line 26), comprising:

a gateway (350 in Fig. 3; *Specification*, page 7, lines 27-31) having connectivity to a communication network;

a mobile portal (352 in Fig. 3; *Specification*, page 7, line 33) having connectivity to the gateway;

a mobile server (356 in Fig. 3; *Specification*, page 8, line 11) accessible by the mobile portal; and

an application server (360 in Fig. 3; *Specification*, page 8, lines 12-29), comprising a processor, and having a web services interface connecting the mobile portal (352) to the mobile server (356), wherein the web services interface includes access to the mobile portal and to an associated database structure in memory, the database containing user profile data (362 in Fig. 3), wherein the web services interface can register user profile data for services with the mobile server (*Specification*, page 9, lines 26-29).

Claim 24. A mobile service delivery platform (301 in Fig. 3; *Specification*, page 7, line 26), comprising:

a gateway (350 in Fig. 3; *Specification*, page 7, lines 27-31) having connectivity to a communication network;

a mobile portal (352 in Fig. 3; *Specification*, page 7, line 33) having connectivity to the gateway;

a mobile server (356 in Fig. 3; *Specification*, page 8, line 11) accessible by the mobile portal; and

an application server (360 in Fig. 3; *Specification*, page 8, lines 12-29), comprising a processor, and having a web services interface to connect the mobile portal (352) to the mobile server (356), the application server including a set of business rules associated with accessing an associated database structure in memory, the database containing a compilation of user profile data (362 in Fig. 3) from multiple network sources, wherein the business rules include executable instructions to make the user profile data accessible across multiple network applications (*Specification*, page 9, lines 26-29).

Claim 25. A method (Fig. 7) for user profile data, comprising:

providing business rules to an application server, the business rules associated with accessing user profile data to make a user profile service database accessible across multiple network applications (710 in Fig. 7; *Specification*, page 17, lines 23-28);

applying the business rules in response to a request (720 in Fig. 7; *Specification*, page 17, lines 28-29); and

accessing the user profile service database when the request has been authorized by the applied business rules (730 in Fig. 7; *Specification*, page 17, lines 30-33).

Claim 32. A method (Fig. 8) for user profile service, comprising:

collecting, by a processor, a given user's user profile data from multiple network sources in a localized database (810 in Fig. 8; *Specification*, page 18, lines 20-22);

providing business rules to an application server to manage access to the given user's collected user profile data in the database (820 in Fig. 8; *Specification*, page 18, lines 23-24); and

allowing different network service applications to access the given user's collected user profile data as determined by the business rules (830 in Fig. 8; *Specification*, page 18, lines 25-26).

Claim 33. A computer readable medium having instructions for causing a device to perform a method, comprising:

collecting, by a processor, a given user's user profile data from multiple network sources in a localized database (810 in Fig. 8; *Specification*, page 18, lines 20-22);

providing business rules to an application server to manage access to the given user's collected user profile data in the database (820 in Fig. 8; *Specification*, page 18, lines 23-24); and

allowing different network service applications to access the given user's collected user profile data as determined by the business rules (830 in Fig. 8; *Specification*, page 18, lines 25-26).

Claim 34. A mobile services delivery platform, comprising:

an application server (Application Server 350 in Fig. 3; *Specification*, page 7, lines 27-31) having a web services interface and accessible by a mobile network;

means (Database 362 in Fig. 3; *Specification*, page 8, lines 26-29) for storage and access of user profile data on a user profile service database via the web service interface;

means (Mobile Portal 352 in Fig. 3; *Specification*, page 7, lines 26-29) for enabling applications and/or component parts of applications to access profile elements in the user profile data and be distributed over the mobile network in connection with the web service interface; and

means (Third Party Databases 364-1...N in Fig. 3; *Specification*, page 9, lines 6-11) for registering user profile data stored on the user profile service database with one or more third party databases.

(6)   Grounds of Rejection to be Reviewed on Appeal

A.   Whether claims 1-2 were properly rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0078053 to Abtin et al. (hereinafter "Abtin").

B.   Whether claims 32-40 were properly rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0259534 to Chaudhari et al. (hereinafter "Chaudhari").

C.   Whether claims 3-31 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Abtin in view of Chaudhari.

D.   Whether claims 41–42 were properly rejected under 35 U.S.C. §103(a) as being

unpatentable over Chaudhari in view of U.S. Patent No. 7,310,307 to Das et al. (hereinafter

"Das").

(7)   **Arguments**

    A.   **The rejection of claims 1-2 under 35 U.S.C. §102(e) as being anticipated by**

Abtin should be reversed.

The test for determining if a reference anticipates a claim, for purposes of a rejection

under 35 U.S.C. § 102, is whether the reference discloses all the elements of the combination in

the claim, or the mechanical equivalents thereof functioning in substantially the same way to

produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit

in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485

(Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102,

the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and
every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claim,

then the cited reference fails to anticipate the claim and, thus, the claim is distinguishable over

the cited reference.

- **Claims 1-2:**

Claims 1-2 were rejected under 35 U.S.C. §102(e) as being anticipated by Abtin. This

rejection should be reversed for at least the following reasons.

    o   Independent Claim 1:

Independent claim 1 recites, *inter alia*,

      an application server, comprising a processor, and having a web services
interface connecting the mobile portal to the mobile server.

Support for the features recited above may be found in the specification, at least on page 8, lines 11-13 and Fig. 3, which shows that application server 360 has a web services interface connecting the mobile portal 352 to the mobile server 356. Abtin fails to teach the features recited above in claim 1 for at least the following reasons.

In the rejection of claim 1, the Examiner asserts that the features recited above in claim 1 are disclosed in Abtin, Fig. 1 and paragraphs [0013] and [0015] (See *Final Office Action*, pages 2 and 5). More specifically, the Examiner asserts that, in Fig. 1 of Abtin, item 15 (location privacy proxy) is the "mobile server" recited in claim 1, item 50 (access server 50) is the "application server" recited in claim 1, and the mobile portal 25 is the "mobile portal" recited in claim 1 (See *Final Office Action*, page 2).

However, that assertion is respectfully traversed. As shown in Fig. 1 and disclosed in paragraph [0013], the mobile portal 25 is connected between the access server 50 and the location privacy proxy 15. Thus, the access server 50 does not have any interface connecting the mobile portal 25 to the location privacy proxy 15. Instead, it is the mobile portal 25 that is connected between the access server 50 and the location privacy proxy 15. Therefore, in Abtin, the access server 50 is not the same as the "application server" recited in claim 1 because it does not have a web services interface that connects the mobile portal 25 to the location privacy proxy 15. Accordingly, Abtin fails to teach or suggest "<u>an application server</u>, comprising a processor, and having a web services interface <u>connecting the mobile portal to the mobile server</u>," as recited in claim 1.

Moreover, it appears that the location privacy proxy 15 in Abtin is not the same as the "mobile server" recited in claim 1. More specifically, Abtin discloses in paragraph [0013] that

the location privacy proxy 15 is a "centralized privacy control function" separated from the

positioning systems for determining if the user may be positioned. Thus, the location privacy

proxy 15 is a <u>function</u> for the secure equipment 20 for determining if the user can be positioned

or located. A function is not a server because a server implies a device that provides a service,

while a function is not a device. Thus, it appears unreasonable and improper for the Examiner to

equate the location privacy proxy 15 in Abtin to the "mobile server" recited in claim 1.

In addition, the <u>access</u> server 50 in Abtin is not the same as the "<u>application</u> server"

recited in claim 1. More specifically, the <u>access</u> server 50 in Fig. 1 of Abtin is for the user 45 to

access the mobile portal 25 (See *Abtin*, paragraph [0013]). The ability to access a portal does not

provide an application service. Thus, it appears that the access server 50 does not provide a

service of any applications. Therefore, it is unreasonable and improper for the Examiner to

equate the <u>access</u> server 50 in Abtin to the "<u>application</u> server comprising a processor and having

a web services interface," as recited in claim 1.

For at least the foregoing reasons, Abtin fails to teach each and every feature of

independent claim 1 and thus cannot anticipate claim 1. It is therefore respectfully requested that

the rejection of claim 1 be reversed, and claim 1 be allowed.

    o   <u>Dependent Claim 2:</u>

Claim 2 is dependent from independent claim 1. Thus, claim 2 is also believed to be

allowable over the cited documents of record for at least the same reasons as set forth above in

connection with independent claim 1.

In addition, claim 2 recites, "wherein the web services interface is discoverable and invokeable as a stand-alone web service." As such, in combination with independent claim 1, it is clear from claim 2 that the web services interface of the application server is a stand-alone web service.

In the rejection of claim 2, the Examiner asserts that the features recited above in claim 2 are disclosed in paragraphs [0013] and [0015] of Abtin (See *Final Office Action*, page 5). That assertion is respectfully traversed because, in paragraph [0013] and [0015], Abtin merely discloses that the access server 50 provides access to a PLMN using the WAP protocol by end user 45. However, Abtin does not teach or suggest that the interface of the access server 50 or of any other elements is a "stand alone" web service. There is no teaching or suggestion in Abtin that the access server 50 is a stand-alone server. Therefore, contrary to the assertion by the Examiner, Abtin fails to teach or suggest, "wherein the web services interface is discoverable and invokeable as a <u>stand-alone</u> web service," as recited in claim 2.

In the Final Office Action, the Examiner argues that in Abtin, the location privacy proxy 15 is the web services interface recited in claim 2 (See *Final Office Action*, pages 2 and 3). However, that argument is respectfully traversed because that argument is moot and inconsistent with the rejection of independent claim 1, upon which claim 2 depends. In the rejection of independent claim 1, the Examiner asserts that the location privacy proxy 15 is the "mobile server" recited in claim 1, and the access server 50 is the "application server ... having a web services interface" recited in claim 1 (See *Final Office Action*, page 2). Thus, in the rejection of claim 2, the location privacy proxy 15 of Abtin cannot also be a web services interface of an

application server. Therefore, the Examiner's argument that the location privacy proxy 15 in

Fig. 1 of Abtin is a "stand-alone web service" is improper.

In view of the foregoing reasons, it is therefore respectfully requested that the rejection of

claim 2 be reversed, and this dependent claim be allowed.

B.   The rejection of claims 3-31 under 35 U.S.C. §103(a) as being unpatentable

over Abtin in view of Chaudhari should be reversed.

The test for determining if a claim is rendered obvious by one or more references for

purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex*

Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007):

> "Under §103, the scope and content of the prior art are to be determined;
> differences between the prior art and the claims at issue are to be ascertained; and
> the level of ordinary skill in the pertinent art resolved. Against this background
> the obviousness or nonobviousness of the subject matter is determined. Such
> secondary considerations as commercial success, long felt but unsolved needs,
> failure of others, etc., might be utilized to give light to the circumstances
> surrounding the origin of the subject matter sought to be patented." Quoting
> *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C.

103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526,

57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a

determination of whether the claims would have been obvious to one of ordinary skill in the art

based on any one of the following proper rationales:

> (A) Combining prior art elements according to known methods to yield
> predictable results; (B) Simple substitution of one known element for another to
> obtain predictable results; (C) Use of known technique to improve similar devices
> (methods, or products) in the same way; (D) Applying a known technique to a

known device (method, or product) ready for improvement to yield predictable results; (E) "Obvious to try"—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006), "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness."

Furthermore, as set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, "[a]ll claim limitations must be considered" because "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385.

- **Claims 3-31:**

Claims 3-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Abtin in view of Chaudhari. These rejections should be reversed for at least the following reasons.

  o Claims 3-23:

Claims 3-23 are dependent from independent claim 1. As discussed above, Abtin fails to disclose all of the features of independent claim 1. In setting forth the rejection of claims 3-23, the Examiner has not and cannot reasonably assert that the disclosure contained in Chaudhari makes up for any of the deficiencies with respect to Abtin. Accordingly, even assuming for the

sake of argument that one of ordinary skill in the art were somehow motivated to modify Abtin

with the disclosure contained in Chaudhari, the proposed modification would still fail to yield all

of the features of independent claim 1.

For at least the foregoing reasons, claims 3-23 are *not* obvious in view of the combined

disclosures contained in Abtin and Chaudhari, as proposed by the Examiner. Therefore, reversal

of the rejection of claims 3-23 and allowance of these claims are respectfully requested.

    o <u>Independent Claim 24:</u>

Independent claim 24 recites, *inter alia*,

> an application server, comprising a processor, and having a web services
> interface to connect the mobile portal to the mobile server.

As such, independent claim 24 recites features similar to those of independent claim 1 as

discussed above. Thus, independent claim 24 is believed to be allowable over the cited

documents of record for at least the same reasons as set forth above in connection with

independent claim 1. It is therefore respectfully requested that the rejection of independent claim

24 be reversed and this claim be allowed.

    o <u>Independent Claim 25:</u>

Independent claim 25 recites, *inter alia*,

> providing business rules to an application server, the business rules
> associated with accessing user profile data to make a user profile service database
> accessible across multiple network applications;
> applying the business rules in response to a request; and

accessing the user profile service database when the request has been
authorized by the applied business rules.

In setting forth the rejection of claim 25, the Examiner broadly indicates that "claims 24-
31 recite similar limitations as claims 1-23 and therefore are rejected using similar rationale"
(See *Final Office Action*, page 10). However, claims 1-23 does not recite "providing business
rules to an application server, the business rules associated with accessing user profile data to
make a user profile service database accessible across multiple network applications," as recited
in independent claim 25. Therefore, it is respectfully submitted that the rejection of claim 25 is
improper.

Furthermore, Abtin shows in Fig. 1 an access server 50 for providing a user to access a
PLMN or "public land mobile network" (See *Abtin*, paragraph [0013]). Accessing the public
land mobile network is not the same as making a user profile service database to be accessible
across multiple applications. Thus, the access server 50 of Abtin does not provide business rules
to an application server that makes a user profile service database accessible across multiple
network applications, as recited in claim 25. Therefore, Abtin fails to teach or suggest
"providing business rules to an application server, the business rules associated with accessing
user profile data to make a user profile service database accessible across multiple network
applications," as recited in claim 25.

Chaudhari discloses in paragraph [0044] that the business rules repository 307 in Fig. 3
stores rules that allow the sharing of user contextual information without revealing the user
identity. In addition, in paragraph [0044], Chaudhari also discloses that additional services can

be added to the existing services based on business relationship between the mobile service

provider 101 in Fig. 1 and the third party 103.

However, adding services or sharing user contextual information is not the same as

making the user profile database <u>accessible across multiple applications</u>. Therefore, Chaudhari

fails to teach or suggest "providing business rules to an application server, the business rules

associated with accessing user profile data to <u>make a user profile service database accessible</u>

<u>across multiple network applications</u>," as recited in claim 25. As a result, Chaudhari fails to cure

the deficiencies of Abtin and, as a result, the combination of Abtin in view of Chaudhari would

fail to yield the features recited above in claim 25.

Claim 25 also recites, "accessing the user profile service database when the request has

been authorized by the applied business rules." Claims 1-23 do not recite that feature of claim

25. Therefore, it is also not clear how Abtin in view of Chaudhari teaches the feature of

"accessing the user profile service database when the request has been authorized by the applied

business rules," recited in claim 25. For instance, in Abtin, there is no request to access the user

profile service, and thus, no authorizing of the request to access the user profile service database.

In Chaudhari, paragraph [0044] merely discloses that the business rules may include sharing user

contextual information without revealing user identity. However, there is no teaching or

suggestion in Chaudhari regarding authorizing a request to access a user profile service database.

Therefore, Chaudhari fails to teach or suggest "accessing the user profile service database when

the request has been authorized by the applied business rules" recited in claim 25. As a result,

the combination of Abtin in view of Chaudhari fails to teach or suggest the features recited above

in claim 25.

For at least the foregoing reasons, independent claim 25 is *not* obvious in view of the combined disclosures contained in Abtin in view of Chaudhari, as proposed by the Examiner. Therefore, reversal of the rejection of independent claim 25 and allowance of the claim is respectfully requested.

  o <u>Dependent Claims 26-31:</u>

Claims 26-31 are dependent from independent claim 25. Thus, they are also believed to be allowable over the cited documents of record for at least the same reasons as set forth above in connection with independent claim 25. It is therefore respectfully requested that the rejection of claims 26-31 be reversed, and these dependent claims be allowed.

C.   The rejection of claims 32-40 under 35 U.S.C. §102(e) as being anticipated by Chaudhari should be reversed.

Claims 32-40 were rejected under 35 U.S.C. §102(e) as being anticipated by Chaudhari. This rejection should be reversed for at least the following reasons.

• <u>Independent Claim 32:</u>

Independent claim 32 recites, *inter alia*,

> collecting, by a processor, a given user's user profile data from multiple network sources in a localized database.

In the rejection of claim 32, the Examiner asserts that Chaudhari discloses the features recited above in paragraph [0041], [0043], [0046], and [0051], where the Meta Directory locally

stores the user profile data (See *Final Office Action*, page 11). However, that assertion is respectfully traversed because in the passages above, Chaudhari discloses that the Meta Director 203 in Fig. 2 stores information about the entire system, including information about the users (See particular paragraph [0043]). However, Chaudhari fails to teach or suggest where the users' information is collected from. More specifically, Chaudhari fails to teach or suggest that the users' information is collected from multiple network sources. Moreover, Chaudhari does not teach or suggest that the Meta Directory 203 is <u>localized</u>. As a result, Chaudhari fails to teach or suggest, "collecting, by a processor, a given user's user profile data <u>from multiple network sources</u> in a <u>localized</u> database," as recited in claim 32.

Furthermore, independent claim 32 recites,

> providing business rules to an application server to manage access to the given user's collected user profile data in the database.

In the rejection of claim 32, the Examiner asserts that the feature recited above in claim 32 is disclosed in paragraphs [0043] and [0049] of Chaudhari (See *Final Office Action*, page 11). However, that assertion is respectfully traversed. In paragraph [0043], Chaudhari discloses that the Meta Director 203 includes subscriber profile 301, and the Policy Repository 303 stores policy rules. In paragraph [0049], Chaudhari discloses that the Meta Controller 211 "decides policies that are to be imposed on the system so as to enable efficient delivery of services."

As such, neither paragraph [0043] nor paragraph [0049] of Chaudhari teaches or suggests providing business rules to an application server to manage access to a user's profile data in the Meta Directory 203. Although Chaudhari discloses in paragraph [0041] the business rules 307 that allow sharing the user's contextual information, the business rules 307 are not taught or

suggested to be provided to an application server for the application server to manage access to

the user's information. Therefore, Chaudhari fails to teach or suggest, "providing business rules

to an application server to manage access to the given user's collected user profile data in the

database," as recited in claim 32.

For at least the foregoing reasons, Chaudhari fails to teach each and every feature of

independent claim 32 and thus cannot anticipate claim 32. It is therefore respectfully requested

that the rejection of claim 32 be withdrawn, and claim 32 be allowed.

- Independent Claim 33:

Independent claim 33 recites features similar to those of independent claim 32 as

discussed above. Thus, independent claim 33 is also believed to be allowable over the cited

documents of record for at least the same reasons as set forth above in connection with

independent claim 32. It is therefore respectfully requested that the rejection of independent

claim 33 be reversed, and this claim be allowed.

- Independent Claim 34:

Independent claim 34 recites, *inter alia*, "an application server having a web services

interface and accessible by a mobile network."

In setting forth the rejection of claim 34, the Examiner asserts that the third party service

provider 103 in Fig. 1 of Chaudhari is the "application server" recited in claim 34 (See *Final

Office Action*, page 4). However, that assertion is respectfully traversed. As disclosed in

paragraph [0038] of Chaudhari, the third party 103 in Fig. 1 is a person or company that offers

the services provided by the mobile service provider 101. Thus, the third party 103 does not contain any application server, much less an application server having a web services interface accessible by a mobile network. In fact, the third party 103 is not taught or suggested to have any interface accessible by a network. Instead, the third party 103 can access the service provider 101. Therefore, contrary to the assertion by the Examiner, the third party 103 is not the same as the "application server having a web services interface and accessible by a mobile network," as recited in claim 34.

Claim 34 also recites, "means for registering user profile data stored on the user profile service database with one or more third party databases."

In setting forth the rejection of claim 34, the Examiner asserts that the features recited above in claim 34 are disclosed in paragraph [0060] of Chaudhari (See *Final Office Action*, page 12). However, that assertion is respectfully traversed. In paragraph [0060], Chaudhari discloses that once a business relationship with third party 103 is defined, mobile service provider 101 registers the third party 103, and gives the third party 103 a user name and password.

Thus, the mobile service provider 101 registers information of the third party 103. However, the mobile service provider 101 is not taught or suggested to register the user profile data with a third party database. Nothing in paragraph [0060] of Chaudhari suggests that the information of the user 102 or information of the third party 103 is registered with other third party databases. Therefore, contrary to the assertion by the Examiner, Chaudhari fails to teach or suggest "means for registering user profile data stored on the user profile service database with one or more third party databases," as recited in claim 34.

For at least the foregoing reasons, Chaudhari fails to teach each and every feature of independent claim 34 and thus cannot anticipate claim 34. It is therefore respectfully requested that the rejection of claim 34 be reversed, and claim 34 be allowed.

- Dependent Claims 35-40:

Claims 35-40 are dependent from independent claim 34. Thus, they are also believed to be allowable over the cited documents of record for at least the same reasons as set forth above in connection with independent claim 34. It is therefore respectfully requested that the rejection of claims 35-40 be reversed, and these dependent claims be allowed.

D.   The rejection of claims 41-42 under 35 U.S.C. §103(a) as being unpatentable over Chaudhari in view of Das should be reversed.

Claims 41-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chaudhari in view of Das. This rejection should be reversed for at least the following reasons.

Claims 41-42 are dependent from independent claim 34. As discussed above, Chaudhari fails to disclose all of the features of independent claim 34. In setting forth the rejection of claims 41-42, the Examiner has not and cannot reasonably assert that the disclosure contained in Das makes up for any of the deficiencies with respect to Chaudhari. Accordingly, even assuming for the sake of argument that one of ordinary skill in the art were somehow motivated to modify Chaudhari with the disclosure contained in Das, the proposed modification would still fail to yield all of the features of independent claim 34.

For at least the foregoing reasons, claims 41-42 are *not* obvious in view of the combined disclosures contained in Chaudhari and Das, as proposed by the Examiner. Therefore, reversal of the rejection of claims 41-42 and allowance of these claims are respectfully requested.

(8)   Conclusion

For at least the reasons given above, the rejection of claims 1-42 described above should be reversed and these claims allowed.

Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

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(9)   Claim Appendix

1.   (Previously Presented) A service delivery platform, comprising:

a gateway having connectivity to a communication network;

a mobile portal having connectivity to the gateway;

a mobile server accessible by the mobile portal; and

an application server, comprising a processor, and having a web services interface

connecting the mobile portal to the mobile server, wherein the web services

interface includes access to the mobile portal and to an associated database

structure in memory, the database containing user profile data, wherein the web

services interface can register user profile data for services with the mobile server.

2.   (Original) The platform of claim 1, wherein the web services interface is discoverable and invokeable as a stand-alone web service.

3.   (Original) The platform of claim 1, wherein the application server having the web services interface includes a set of business logic instructions to manage access and control of the user profile data.

4.   (Original) The platform of claim 3, wherein the application server having the web service interface uses a web services descriptor language (WSDL) document to register user profile data with the mobile server.

5.   (Original) The platform of claim 4, wherein the WSDL document is automatically generated from a Java Integrated Development Environment (IDE).

6.   (Original) The platform of claim 3, wherein the set of business logic instructions can integrate with business rule processing engines external to the platform.

7.   (Original) The platform of claim 3, wherein the application server having the web services interface includes program instruction which can execute to access the mobile server using simple object access protocol (SOAP).

8.   (Original) The platform of claim 3, wherein the application server having the web services interface includes program instruction which can execute to access the mobile server using Java Messaging Service (JMS).

9.   (Original) The platform of claim 3, wherein the application server having the web services interface includes program instruction which can execute to access the mobile server using a messaging middleware application.

10.   (Original) The platform of claim 3, wherein the application server having the web services interface includes program instruction which can execute to access the mobile server within a common object request broker architecture (CORBA).

11.   (Original) The platform of claim 3, wherein the application server having the web services interface includes a middle tier cache to hold retrieved data from the associated database structure.

12.   (Original) The platform of claim 11, wherein the application server having the web services interface further includes program instructions to provide session management and to clear the middle tier cache.

13.   (Original) The platform of claim 3, wherein the set of business logic instructions control retrieval, update, and deletion of the user profile data.

14.   (Original) The platform of claim 3, further including instructions to log and debug.

15.   (Original) The platform of claim 14, wherein the instructions to log include instructions to:

    log updates to the associated database structure;

    log who performed updates;

    log when updates were performed;

    log what updates were implemented;

    log who made requests into the platform;

    log when requests were made; and

    log what information was requested.

16.   (Previously Presented) The platform of claim 1, wherein the gateway connects the mobile portal to the communication network.

17.   (Original) The platform of claim 1, wherein the mobile server includes a universal business registry of web services.

18.   (Original) The platform of claim 1, wherein the application server having the web services interface and the associated database structure containing user profile data can be accessed directly by the gateway.

19.   (Original) The platform of claim 1, wherein the application server having the web services interface uses templates to define profile elements in the user profile data.

20.   (Original) The platform of claim 19, wherein the templates are used by program instructions to register the user profile data with the mobile server for application processing.

21.   (Original) The platform of claim 19, wherein the profile elements are selected from the group of:

    a user ID;

    a group ID;

    a user name;

a preferred language;

a status;

a first name;

a last name;

a last login timestamp;

a street;

a street number;

a zip;

a city;

a country;

a gender;

a mobile subscription;

a mobile subscriber ISDN;

a current device location; and

an email address.

22.   (Original) The platform of claim 1, wherein the application server having the web

services interface is accessible across multiple network applications.

23.   (Original) The platform of claim 1, wherein the application server having the web

service interface includes program instructions which can execute to register user profile data in

the associated database with a business registry of the mobile server and with a registry on one or

more third party servers.

24.   (Previously Presented) A mobile service delivery platform, comprising:

       a gateway having connectivity to a communication network;

       a mobile portal having connectivity to the gateway;

       a mobile server accessible by the mobile portal; and

       an application server, comprising a processor, and having a web services interface to

              connect the mobile portal to the mobile server, the application server including a

              set of business rules associated with accessing an associated database structure in

              memory, the database containing a compilation of user profile data from multiple

              network sources, wherein the business rules include executable instructions to

              make the user profile data accessible across multiple network applications.

25.   (Original) A method for user profile data, comprising:

       providing business rules to an application server, the business rules associated with

              accessing user profile data to make a user profile service database accessible

              across multiple network applications;

       applying the business rules in response to a request; and

       accessing the user profile service database when the request has been authorized by the

              applied business rules.

26.   (Original) The method of claim 25, further including receiving an authorized request from a user of a mobile device to update the user profile data.

27.   (Original) The method of claim 25, further including receiving a request from a mobile device for a service application.

28.   (Original) The method of claim 25, further including the application server receiving identification and location information associated with a mobile device, wherein the application server provides a service application to the mobile device based on the identification and the location information.

29.   (Original) The method of claim 25, further including receiving a request from a third party entity to update the user profile data.

30.   (Original) The method of claim 25, further including providing a third party service application to a mobile device based on the user profile data.

31.   (Original) The method of claim 25, further including the application server collecting user profile data from a number of third party network databases to populate the user profile service database.

32.   (Previously Presented) A method for user profile service, comprising:

collecting, by a processor, a given user's user profile data from multiple network sources

in a localized database;

providing business rules to an application server to manage access to the given user's

collected user profile data in the database; and

allowing different network service applications to access the given user's collected user

profile data as determined by the business rules.

33.   (Previously Presented) A computer readable medium having instructions for causing a

device to perform a method, comprising:

collecting, by a processor, a given user's user profile data from multiple network sources

in a localized database;

providing business rules to an application server to manage access to the given user's

collected user profile data in the database; and

allowing different network service applications to access the given user's collected user

profile data as determined by the business rules.

34.   (Previously Presented) A mobile services delivery platform, comprising:

an application server having a web services interface and accessible by a mobile network;

means for storage and access of user profile data on a user profile service database via the

web service interface;

means for enabling applications and/or component parts of applications to access profile

elements in the user profile data and be distributed over the mobile network in

connection with the web service interface; and

means for registering user profile data stored on the user profile service database with one

or more third party databases.

35.   (Original) The platform of claim 34, wherein the means for storage and access includes a set of computer executable instructions.

36.   (Original) The platform of claim 34, wherein the means for enabling applications and/or component parts of applications to access profile elements includes a set of computer executable instructions.

37.   (Original) The platform of claim 34, wherein the application server includes program instructions to deploy, develop, administer, and integrate user profile data with one or more network applications.

38.   (Original) The platform of claim 34, wherein the application server includes program instructions to manage:

user demographic information;

user privilege, access and rights information; and

user service registration information.

39.   (Previously Presented) The platform of claim 34, wherein a profile element in the user profile data is related to a hobby of the user.

40.   (Previously Presented) The platform of claim 34, wherein a profile element in the user profile data is related to a culinary preference of the user.

41.   (Original) The platform of claim 34, wherein the application server is accessible by wireless voice network.

42.   (Original) The platform of claim 34, wherein the application server is accessible by a public wireless local area network (PwLAN).

(10)   Evidence Appendix

None.

(11) **Related Proceedings Appendix**

None.